

**To:** Erickson, Dave (SHB)[DERICKSON@shb.com]  
**Cc:** Mehran, Reyhan (NOAA)[Reyhan.Mehran@noaa.gov]; Clay Stern[clay\_stern@fws.gov]; mark.barash@sol.doi.gov[mark.barash@sol.doi.gov]; Rowley, Laura (ENRD)[Laura.Rowley@usdoj.gov]; Engel, Bethany (ENRD)[Bethany.Engel@usdoj.gov]; Hurley, Joseph (ENRD)[Joseph.Hurley@usdoj.gov]; 'kate.barfield@noaa.gov'[kate.barfield@noaa.gov]; Donohue, Brian (ENRD)[Brian.Donohue@usdoj.gov]; otto@demaximis.com[otto@demaximis.com]; rlaw@demaximis.com[rlaw@demaximis.com]; Flanagan, Sarah[Flanagan.Sarah@epa.gov]  
**From:** Donohue, Brian (ENRD)  
**Sent:** Thur 5/28/2015 8:18:18 PM  
**Subject:** Sample Disposal

Dave – I spoke with the federal NRD trustees about the sample disposal issue, and note that this is in response from NOAA and FWS only. EPA will respond independently.

As to the federal trustees, they have no problem with the disposal of sediment samples. However, it appears that the federal trustees will want to obtain some of the fish tissue samples. The problem is that due to the short amount of time within which they received the spreadsheets providing information about the fish tissue samples (a little over a week ago, I believe) and partially due to the fact that the reference to them in the CPG's Notice was in error, they have not had the opportunity to review the entire documentation provided. Bottom line, the trustees need more time to review those spreadsheets. With that – and keeping in mind that there will be cost savings associated with disposal of the sediment samples – we have no choice but to ask that the fish sediment samples be retained until the trustees have had a full opportunity to review the spreadsheets. The trustees want to be reasonable in this situation, as I'm sure the CPG does, so the additional time seems warranted under the Federal Rules. We will be in touch as soon as possible.

Thanks.